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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,005

12/10/2003

William G. Reeves

17,988

9405

23556 7590 05/14/2009
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EXAMINER

LIGHTFOOT, ELENA TSOY

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

05/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/734,005	Applicant(s) REEVES ET AL.	
	Examiner Elena Tsoy Lightfoot	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 14-16, 18 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 14-16, 18 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 13, 2009 has been entered.

Response to Amendment

Amendment filed on April 13, 2009 has been entered. New claim 23 has been added. Claims 12, 14-16, 18, and 23 are pending in the application.

Claim Objections

1. Claims 16 and 18 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 16 is broader in scope than claim 12.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 12, 14-16, 18, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves et al (US 6376011) in view of Tsubakimoto et al (US 4,734,478).

Reeves et al discloses a method of preparing a superabsorbent -containing composite, the method comprising introducing particles of superabsorbent material and particles of coating material into a flowing gas stream (See column 11, lines 18-22) wherein the particles of the coating material are porous particles or an agglomeration of particles (See column 8, lines 28-31) of e.g. cellulosic materials (See column 7, lines 47-68), the flowing gas stream moving the superabsorbent material and the coating material through a zone where an association agent is applied to the superabsorbent material and the coating material (See column 11, lines 31-34); and maintaining the superabsorbent material and the coating material in the flowing gas stream until the superabsorbent material is covered with at least a first layer of the coating material (See column 11, lines 34-53). The association agent is selected from the group consisting of **water**, volatile organic solvent, aqueous solution of film-forming materials, synthetic adhesive such as polyvinyl alcohol (claimed polyhydric alcohol)* and mixtures thereof (See column 9, lines 11-18). The presence of **water in the association agent** is particularly effective in predisposing the superabsorbent material to wetting (See column 9, lines 18-20).

Note that water reads on claimed association agent and polyvinyl alcohol (i.e. **polyhydric alcohol**) reads on claimed crosslinking reagent such that adding a mixture water and polyvinyl alcohol to the flow stream reads on claimed step of simultaneously applying the association agent and the crosslinking reagent, as required by **new claim 23**.

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It is the Examiner's position that the superabsorbent-containing composite is claimed surface crosslinked superabsorbent-containing composite because it is produced by a process substantially identical to that of claimed invention.

As to claim 13, the flowing gas stream comprises air (See column 11, lines 22-23).

As to claims 15 and 18, fluidizing was continued as the temperature was raised. When the air outlet temperature equaled approximately 88°C, the run was considered complete and the superabsorbent-containing composite was bagged (See examples 1-7).

It is the Examiner's position that heating the flowing gas stream to an elevated temperature to 88°C would effect crosslinking on at least a portion of the surface of the superabsorbent-containing composite inherently.

* The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2,680,731 is applied here as evidence that polyvinyl alcohol is **polyhydric alcohol** (See column 19, lines 53-54).

Response to Arguments

4. Applicant's arguments with respect to claims 12, 14-16, 18, and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy Lightfoot whose telephone number is 571-272-1429. The examiner can normally be reached on Monday-Friday, 9:00AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elena Tsoy Lightfoot, Ph.D.
Primary Examiner
Art Unit 1792

May 14, 2009

/Elena Tsoy Lightfoot/